

**CITY OF NEWARK
DELAWARE**

January 21, 2014

TO: Mayor and Council

FROM: Renee Bensley, City Secretary

CC: Carol Houck, City Manager

SUBJECT: Synopsis of January 13, 2014 Rules of Procedure Council Discussion

After the discussion at the January 13, 2014 Council meeting regarding potential changes to the Rules of Procedure, the City Manager and City Secretary were directed to prepare a synopsis of the various options discussed as viable by members of Council. In addition to the items mentioned during the Council discussion, I have also included items that were submitted to me after the discussion.

In the interest of organization, I have listed each of the items mentioned in Council's January 13th discussion in the chart below along with the Council member who mentioned it. Items that were similar in nature have been condensed into a single category.

| Rules of Procedure Amendment | Council Member(s) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| Allowing Council meetings to be moved from Monday to Tuesday if a meeting were to fall after an election, but prior to the swearing in of a new Council member. | Chapman, Hadden, Markham, Morehead, Sierer, Tuttle |
| 60 minute limit to public comment at the beginning of the Council meeting. | Chapman |
| Police presence at all meetings for the duration of the meeting. | Chapman |
| Three minute public comment limit on agenda items. | Chapman, Sierer |
| Limit of one public comment per person per agenda item. | Chapman |
| Create a separate agenda item after open public comment for public comment on agenda items. | Chapman |
| Consider movement of items on the agenda to create a better flow for the meeting, create the ability to recess a meeting, and/or allow staff to address an idea sooner in order to accommodate earlier departure from the meeting. | Chapman, Morehead |
| Individuals must be present at the Council meeting to cede comment time. | Sierer |
| Rules for participation in Council meetings through a notation on the agenda or a handout to be distributed to attendees. | Chapman, Sierer |
| Consideration of the budget, CIP, and related items should be scheduled on their own Council meeting agenda. | Chapman, Markham |
| All agenda items should be open to public comment with the | Chapman, Morehead |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| exception of the Consent Agenda. | |
| Elected officials who attend the meeting should be given a separate agenda item at the meeting, similar to the University, or should be held to the open public comment time limits. | Morehead |

Attached are mock agendas that show ways that the order of the agenda or specific items on the agenda could be altered based on conversation from the January 13th meeting. I also have included the two original memos from that meeting as an attachment for your reference.

Attachments

/rkb

**CITY OF NEWARK
DELAWARE
COUNCIL MEETING
MOCK AGENDA #1 (CURRENT LAYOUT)**

January 27, 2014 – 7:00 P.M. – CC

SILENT MEDITATION & PLEDGE OF ALLEGIANCE

1. ITEMS NOT ON PUBLISHED AGENDA:

- A.** Public (3 minutes per speaker)
- B.** University
 - (1) Administration
 - (2) Student Body Representative
- C.** Council Members

2. APPROVAL OF CONSENT AGENDA:

- A.** Approval of Regular Council Meeting Minutes – December 9, 2013
- B.** Receipt of Alderman's Report – January 15, 2014
- C.** Appointment of Jim McKelvey to the Board of Adjustment to Complete the Vacant At-Large Term to Expire September 15, 2015
- D.** Appointment of Sharon Smith to the Newark Housing Authority For a Three Year Term to Expire January 15, 2017
- E.** ***First Reading – Bill 14-03 – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, to Change the Pay Grade and Title For the Position of Water Quality Engineer – **Second Reading – February 10, 2014*****
- F.** ***First Reading – Bill 14-04 – An Ordinance Amending the Zoning Map of the City of Newark, Delaware By Rezoning from RS (Single Family Detached Residential) to RM (Multi-Family Dwellings – Garden Apartments) 6.77 Acres Located at McKees Lane and Cleveland Avenue – **Second Reading – February 24, 2014*****
- G.** ***First Reading – Bill 14-05 – An Ordinance Annexing and Zoning to RS (Single Family Detached Residential) a 0.73 Acre Parcel of Land Located at 428 Paper Mill Road – **Second Reading – February 24, 2014*****

CONSENT AGENDA – Those items on the Consent Agenda are considered routine and non-controversial and will be acted upon by a single vote of the Council. There will be no separate discussion of these items unless a member of Council so requests, in which event the matter shall be removed from the Consent Agenda and considered a separate item.

3. ITEMS NOT FINISHED AT PREVIOUS MEETING: None

4. SPECIAL DEPARTMENTAL REPORTS

- A.** Special Reports from Manager & Staff
 - 1.** 2014 RSA Calculation – Finance Director
 - 2.** 2014 Budget Amendments – Finance Director
 - 3.** Rental Housing Needs Assessment Steering Committee – Planning and Development Director

5. FINANCIAL STATEMENT: *(Ending November 30, 2013)*

6. RECOMMENDATIONS ON CONTRACTS & BIDS

- A.** Recommendation on Contract No. 13-18 – Purchase of One Mini Bus
- B.** Recommendation to Purchase Computer Equipment From Dell Marketing, L.P. in Accordance with State of Delaware Contract No. GSS09133 Computer Equipment Peripherals and Related Services

- *7. ORDINANCES FOR SECOND READING & PUBLIC HEARING**
A. Bill 14-01 – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, to Delete Article V, Board of Health, in Its Entirety
- *8. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT**
A. Request of Linda Poorman For a Special Use Permit For a Customary Home Occupation at the Residence Located at 205 Nottingham Road
B. Request of 58 East Main Street, LLC for the Major Subdivision of 0.535 Acres Located at 58 East Main Street in Order to Demolish the Existing Buildings on the Site and Construct a New Mixed-Use, Four Story Building Consisting of 24 Upper Floor Apartments and 6,800 Square Feet of First Floor Commercial Space to be Known as 58 East Main Street **(Resolution and Agreement Included) (See 8-C)**
C. Request of 58 East Main Street, LLC for a Special Use Permit For 24 Apartments as Part of the Proposed Major Subdivision Plan at the Property Located at 58 East Main Street. **(See 8-B)**
D. Resolution 14-__: Fixing a Time and Place For a Hearing on the Vacation of Terrace Drive
- 9. ITEMS SUBMITTED FOR PUBLISHED AGENDA:**
A. Council Members
1. Discussion and Direction to Staff Regarding Amending the Rules of Procedure For Newark City Council
B. Others: None

Agenda Posted – January 17, 2014

***OPEN FOR PUBLIC COMMENT** – The above agenda is intended to be followed, but is subject to changes, deletions, additions, and modifications, as permitted under the Freedom of Information Act of the State of Delaware. The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 Del. C. Section 10004 (e)(2). Copies may be obtained at the City Secretary's Office, 220 South Main Street, or online at www.cityofnewarkde.us.

**CITY OF NEWARK
DELAWARE
COUNCIL MEETING
MOCK AGENDA #2 (EXPANDED PUBLIC COMMENT &
ADDED ELECTED OFFICIALS COMMENT SECTION)**

January 27, 2014 – 7:00 P.M. – CC

SILENT MEDITATION & PLEDGE OF ALLEGIANCE

1. ITEMS NOT ON PUBLISHED AGENDA:

- A. Public (3 minutes per speaker)
- B. University
 - (1) Administration
 - (2) Student Body Representative
- C. Elected Officials
- D. Council Members

2. APPROVAL OF CONSENT AGENDA:

- A. Approval of Regular Council Meeting Minutes – December 9, 2013
- B. Receipt of Alderman's Report – January 15, 2014
- C. Appointment of Jim McKelvey to the Board of Adjustment to Complete the Vacant At-Large Term to Expire September 15, 2015
- D. Appointment of Sharon Smith to the Newark Housing Authority For a Three Year Term to Expire January 15, 2017
- E. ***First Reading – Bill 14-03*** – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, to Change the Pay Grade and Title For the Position of Water Quality Engineer – ***Second Reading – February 10, 2014***
- F. ***First Reading – Bill 14-04*** – An Ordinance Amending the Zoning Map of the City of Newark, Delaware By Rezoning from RS (Single Family Detached Residential) to RM (Multi-Family Dwellings – Garden Apartments) 6.77 Acres Located at McKees Lane and Cleveland Avenue – ***Second Reading – February 24, 2014***
- G. ***First Reading – Bill 14-05*** – An Ordinance Annexing and Zoning to RS (Single Family Detached Residential) a 0.73 Acre Parcel of Land Located at 428 Paper Mill Road – ***Second Reading – February 24, 2014***

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***3. ITEMS NOT FINISHED AT PREVIOUS MEETING:** None

***4. SPECIAL DEPARTMENTAL REPORTS**

- A. Special Reports from Manager & Staff
 - 1. 2014 RSA Calculation – Finance Director
 - 2. 2014 Budget Amendments – Finance Director
 - 3. Rental Housing Needs Assessment Steering Committee – Planning and Development Director

***5. FINANCIAL STATEMENT:** *(Ending November 30, 2013)*

***6. RECOMMENDATIONS ON CONTRACTS & BIDS**

- A. Recommendation on Contract No. 13-18 – Purchase of One Mini Bus

- B. Recommendation to Purchase Computer Equipment From Dell Marketing, L.P. in Accordance with State of Delaware Contract No. GSS09133 Computer Equipment Peripherals and Related Services

***7. ORDINANCES FOR SECOND READING & PUBLIC HEARING**

- A. **Bill 14-01** – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, to Delete Article V, Board of Health, in Its Entirety

***8. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT**

- A. Request of Linda Poorman For a Special Use Permit For a Customary Home Occupation at the Residence Located at 205 Nottingham Road
- B. Request of 58 East Main Street, LLC for the Major Subdivision of 0.535 Acres Located at 58 East Main Street in Order to Demolish the Existing Buildings on the Site and Construct a New Mixed-Use, Four Story Building Consisting of 24 Upper Floor Apartments and 6,800 Square Feet of First Floor Commercial Space to be Known as 58 East Main Street **(Resolution and Agreement Included) (See 8-C)**
- C. Request of 58 East Main Street, LLC for a Special Use Permit For 24 Apartments as Part of the Proposed Major Subdivision Plan at the Property Located at 58 East Main Street. **(See 8-B)**
- D. **Resolution 14-__**: Fixing a Time and Place For a Hearing on the Vacation of Terrace Drive

***9. ITEMS SUBMITTED FOR PUBLISHED AGENDA:**

- A. **Council Members**
 - 1. Discussion and Direction to Staff Regarding Amending the Rules of Procedure For Newark City Council
- B. **Others: None**

Agenda Posted – January 17, 2014

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CITY OF NEWARK
DELAWARE
COUNCIL MEETING
MOCK AGENDA #3 (MOVEMENT OF AGENDA CATEGORIES
TO ACCOMMODATE ADDITIONAL ADVERTISING REQUIREMENTS
AND MEETING RECESSES)

January 27, 2014 – 7:00 P.M. – CC

SILENT MEDITATION & PLEDGE OF ALLEGIANCE

1. ITEMS NOT ON PUBLISHED AGENDA:

- A. Public (3 minutes per speaker)
- B. University
 - (1) Administration
 - (2) Student Body Representative
- C. Elected Officials
- D. Council Members

***2. ITEMS NOT FINISHED AT PREVIOUS MEETING: None**

***3. ORDINANCES FOR SECOND READING & PUBLIC HEARING**

- A. **Bill 14-01** – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, to Delete Article V, Board of Health, in Its Entirety

***4. RECOMMENDATIONS FROM THE PLANNING COMMISSION
AND/OR PLANNING & DEVELOPMENT DEPARTMENT**

- A. Request of Linda Poorman For a Special Use Permit For a Customary Home Occupation at the Residence Located at 205 Nottingham Road
- B. Request of 58 East Main Street, LLC for the Major Subdivision of 0.535 Acres Located at 58 East Main Street in Order to Demolish the Existing Buildings on the Site and Construct a New Mixed-Use, Four Story Building Consisting of 24 Upper Floor Apartments and 6,800 Square Feet of First Floor Commercial Space to be Known as 58 East Main Street (**Resolution and Agreement Included**) (**See 8-C**)
- C. Request of 58 East Main Street, LLC for a Special Use Permit For 24 Apartments as Part of the Proposed Major Subdivision Plan at the Property Located at 58 East Main Street. (**See 8-B**)
- D. **Resolution 14-__**: Fixing a Time and Place For a Hearing on the Vacation of Terrace Drive

***5. ITEMS SUBMITTED FOR PUBLISHED AGENDA:**

- A. **Council Members**
 - 1. Discussion and Direction to Staff Regarding Amending the Rules of Procedure For Newark City Council
- B. **Others:** None

6. APPROVAL OF CONSENT AGENDA:

- A. Approval of Regular Council Meeting Minutes – December 9, 2013
- B. Receipt of Alderman's Report – January 15, 2014
- C. Appointment of Jim McKelvey to the Board of Adjustment to Complete the Vacant At-Large Term to Expire September 15, 2015
- D. Appointment of Sharon Smith to the Newark Housing Authority For a Three Year Term to Expire January 15, 2017
- E. **First Reading – Bill 14-03** – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, to Change the Pay Grade and Title For the Position of Water Quality Engineer – **Second Reading – February 10, 2014**

- F. **First Reading – Bill 14-04** – An Ordinance Amending the Zoning Map of the City of Newark, Delaware By Rezoning from RS (Single Family Detached Residential) to RM (Multi-Family Dwellings – Garden Apartments) 6.77 Acres Located at McKees Lane and Cleveland Avenue – **Second Reading – February 24, 2014**
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- A. Special Reports from Manager & Staff
 - 1. 2014 RSA Calculation – Finance Director
 - 2. 2014 Budget Amendments – Finance Director
 - 3. Rental Housing Needs Assessment Steering Committee – Planning and Development Director

***8. FINANCIAL STATEMENT: (Ending November 30, 2013)**

***9. RECOMMENDATIONS ON CONTRACTS & BIDS**

- A. Recommendation on Contract No. 13-18 – Purchase of One Mini Bus
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**CITY OF NEWARK
DELAWARE
COUNCIL MEETING
MOCK AGENDA #4 (ADDING PUBLIC COMMENT SECTION FOR
AGENDA ITEMS TO BEGINNING OF MEETING
AND ADDING PUBLIC COMMENT GUIDELINES)**

January 27, 2014 – 7:00 P.M. – CC

SILENT MEDITATION & PLEDGE OF ALLEGIANCE

1. PUBLIC COMMENT:

- A.** Public Comment for Items on the Published Agenda (3 minutes per speaker)
- B.** Public Comment for Items Not on the Published Agenda (3 minutes per speaker)
- C.** University
 - (1) Administration
 - (2) Student Body Representative
- D.** Council Members

PUBLIC COMMENT – Public comment is a time for individuals to speak before Council on a particular topic of their choosing. Individuals are limited to three minutes each in public comment for items not on the published agenda. Individuals also are limited to three minutes per agenda topic for items on the published agenda. All individuals wishing to make public comment in either category must sign in on the list provided at the entrance of the Council chamber prior to the start of the meeting. At the appropriate time, individuals who have signed up for public comment will be called forward to the podium by the chair of the meeting to speak. Individuals should approach the podium, state their name and information about their residence (address, council district, and/or city), and commence with their comments. Please be sure to speak into the microphone so your comments are recorded. Questions posed during the public comment segments may not be answered from the dais if additional research needs to be done to provide an informed response. Once you have completed your comments, please be seated. If you choose to cede your time for public comment to another audience member, you must be present in order to do so. Please be courteous to those who are speaking during public comment by refraining from commenting from the audience while others are speaking.

2. APPROVAL OF CONSENT AGENDA:

- A.** Approval of Regular Council Meeting Minutes – December 9, 2013
- B.** Receipt of Alderman's Report – January 15, 2014
- C.** Appointment of Jim McKelvey to the Board of Adjustment to Complete the Vacant At-Large Term to Expire September 15, 2015
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3. ITEMS NOT FINISHED AT PREVIOUS MEETING: None

4. **SPECIAL DEPARTMENTAL REPORTS**

- A. Special Reports from Manager & Staff
 - 1. 2014 RSA Calculation – Finance Director
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 - 3. Rental Housing Needs Assessment Steering Committee – Planning and Development Director

5. **FINANCIAL STATEMENT:** *(Ending November 30, 2013)*

6. **RECOMMENDATIONS ON CONTRACTS & BIDS**

- A. Recommendation on Contract No. 13-18 – Purchase of One Mini Bus
- B. Recommendation to Purchase Computer Equipment From Dell Marketing, L.P. in Accordance with State of Delaware Contract No. GSS09133 Computer Equipment Peripherals and Related Services

7. **ORDINANCES FOR SECOND READING & PUBLIC HEARING**

- A. **Bill 14-01** – An Ordinance Amending Chapter 2, Administration, Code of the City of Newark, Delaware, to Delete Article V, Board of Health, in Its Entirety

8. **RECOMMENDATIONS FROM THE PLANNING COMMISSION
AND/OR PLANNING & DEVELOPMENT DEPARTMENT**

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- D. **Resolution 14-__**: Fixing a Time and Place For a Hearing on the Vacation of Terrace Drive

9. **ITEMS SUBMITTED FOR PUBLISHED AGENDA:**

- A. **Council Members**
 - 1. Discussion and Direction to Staff Regarding Amending the Rules of Procedure For Newark City Council
- B. **Others:** None

Agenda Posted – January 17, 2014

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**CITY OF NEWARK
DELAWARE**

January 6, 2014

TO: Mayor and Council

FROM: Renee Bensley, City Secretary

CC: Carol Houck, City Manager

SUBJECT: Potential Amendments to the Rules of Procedure

I was asked by several members of Council to research the policies of other cities and towns in Delaware regarding their council meeting agenda formats, public comment policies, and ways that meetings could be streamlined. Through both research through the municipal links provided on the Delaware League of Local Governments' website and making a request via the Delaware Municipal Clerks Association listserv, the following information has been compiled for Council's consideration during their discussion at the January 13, 2014 Council meeting.

Open Public Comment Time Limit (Individual)

| Two Minutes | Unspecified Time* | No Open Public Comment on Regular Agenda |
|----------------------------------------|--------------------------|-------------------------------------------------|
| Harrington | Bridgeville | Bethany Beach |
| | Camden | Blades |
| Two to Three Minutes | Cheswold | Bowers Beach |
| Bellefonte | Clayton | Dagsboro |
| | Delmar | Henlopen Acres |
| Three Minutes | Felton | Laurel |
| Delaware City | Fenwick Island | Lewes |
| Dover (Prior to business meeting) | Georgetown | Middletown |
| Elsmere | Greenwood | Milford |
| Frankford | Houston | Odessa |
| New Castle County | Kent County | Seaford |
| Newark | Millville | Sussex County |
| Rehoboth Beach | Millsboro | |
| Wilmington (Prior to business meeting) | Milton | |
| | Newport | |
| | Ocean View | |
| | Smyrna | |
| | South Bethany | |
| | Townsend | |
| | Wyoming | |

* Unspecified – Public Comment listed on the agenda, but with no limit specified. However, when speaking to clerks in several of these towns, they indicated that the unwritten understanding is typically no longer than three to five minutes per speaker.

Open Public Comment – Location on Agenda

| Beginning of Agenda (First third) | End of Agenda (Final third) |
|------------------------------------------|---------------------------------------|
| Bellefonte | Camden |
| Elsmere | Cheswold |
| Felton | Clayton |
| Greenwood | Delaware City (15 min. overall limit) |
| Millsboro | Delmar |
| Milton | Fenwick Island |
| Newark | Frankford |
| Newport | Georgetown |
| South Bethany (30 min. overall limit) | Harrington |
| | Houston |
| Middle of Agenda (Second third) | Kent County |
| Bridgeville | Millville |
| Smyrna | New Castle County |
| | Ocean View |
| Prior to Business Meeting Start | Rehoboth Beach |
| Dover (15 min.) | Townsend |
| Wilmington (30 min.) | Wyoming |

In addition, several cities have specific public comment policies enumerated on their agendas and/or websites. Examples include the following:

Dover:

The “Open Forum” segment is provided to extend the opportunity to the general public to share their questions, thoughts, comments, concerns, and complaints. Discussion of any item appearing on the agenda is prohibited and citizen comments are limited to three (3) minutes. Council is prohibited from taking action since they are not in official session; however, they may schedule such items as regular agenda items and act upon them in the future.

Harrington:

Public Comments (2 minute limit)

The public comment segment of the Council Meeting is the time that the City extends the opportunity to the general public to share with us your questions, thoughts, comments, concerns, and complaints. Those wishing to step forward to take advantage of the public comment segment will be provided two (2) minutes. While City government is interested in taking appropriate action, no action can be taken while the City Council is not in session, and current law prohibits City Council from engaging in discussion of any comments made. Discussion of any item appearing on the agenda as a public hearing is prohibited during the public comments segment as an opportunity will be provided during consideration of that item.

Rehoboth Beach:

Citizen comment regarding Old Business, New Business and Committee Reports will be heard during each agenda topic after initial discussion by the Commissioners at the discretion of the chair. Speakers shall state their name and address. Comments are limited to three minutes or at the discretion of the chair. Comments on non-agenda items will be heard under "Citizen Comment".

Wilmington:

Meetings commence at 6:30 p.m. with public comment at 6:00 p.m. In order to participate in public comment, speakers must sign in by 5:45 p.m. Speakers are called to the podium in the order in which they signed in and are allowed 3 minutes to voice their comment.

Meeting Length

While I found several towns that advertised a specific end time for meetings (usually in the context of the time on a website calendar entry), I only found one town, South Bethany, that noted a maximum length of time for meetings on an agenda. South Bethany specifies a 240 minute time limit to all Council meetings.

However, if a limit to meeting length were to be considered, there are several factors that Council would need to take into account. Council could, in theory, recess a lengthy meeting to be resumed at a later date. In the interest of complying with FOIA to the best of our abilities, the meeting could be continued the following Monday, except in the case of a City holiday falling on that date. However, there are several sections of the agenda that have advertising requirements for public hearings separate from being listed on the agenda. These include the following:

| Item | 10 Days Notice Newspaper | 15 Days Notice Newspaper | Mailing Required |
|--------------------------------------|-----------------------------|-----------------------------|---------------------|
| Rezoning | | X | X |
| Comprehensive Plan Amendment | | X | X |
| Annexation | | X | X |
| Special Use Permit | | X | X |
| Major Subdivision | X | | X |
| Code Amendment | X | | |
| Vacation of Street | | X | X |
| Special Residential Parking District | | | X |

These are items with public hearings that must be advertised in accordance with City Code requirements in addition to FOIA advertising requirements and could not be postponed without the required time for re-advertisement as outlined in the table above. In order to accommodate this, Council could change the order of the agenda to place items with separate advertising requirements earlier in the agenda. The current agenda order is as follows in the Rules of Procedure:

1. SILENT MEDITATION & PLEDGE OF ALLEGIANCE

2. ITEMS NOT ON PUBLISHED AGENDA:
 - A. Public (3 minutes per speaker)
 - B. University
 - (1) Administration
 - (2) Student Body Representative
 - C. Council Members
3. APPROVAL OF CONSENT AGENDA
4. ITEMS NOT FINISHED AT PREVIOUS MEETING
5. SPECIAL DEPARTMENTAL REPORTS
 - A. Special Reports from Manager & Staff
6. FINANCIAL STATEMENT
7. RECOMMENDATIONS ON CONTRACTS & BIDS
8. ORDINANCES FOR SECOND READING & PUBLIC HEARING
9. RECOMMENDATIONS FROM THE PLANNING COMMISSION/DEPARTMENT
10. ITEMS SUBMITTED FOR PUBLISHED AGENDA:
 - A. Council Members
 - B. Others

Assuming that Council does not desire to move the current "Items Not on Published Agenda" to another location in the meeting, the agenda could be restructured as follows to accommodate advertising requirements:

1. SILENT MEDITATION & PLEDGE OF ALLEGIANCE
2. ITEMS NOT ON PUBLISHED AGENDA:
 - A. Public (3 minutes per speaker)
 - B. University
 - (1) Administration
 - (2) Student Body Representative
 - C. Council Members
3. ITEMS NOT FINISHED AT PREVIOUS MEETING (Additional advertising requirements if one of the types of items listed above.)
4. ORDINANCES FOR SECOND READING & PUBLIC HEARING (Additional advertising requirements.)
5. RECOMMENDATIONS FROM THE PLANNING COMMISSION/DEPARTMENT (Additional advertising requirements.)

6. ITEMS SUBMITTED FOR PUBLISHED AGENDA (Additional advertising requirements if one of the types of items listed above.)
 - A. Council Members
 - B. Others
7. APPROVAL OF CONSENT AGENDA
8. SPECIAL DEPARTMENTAL REPORTS
 - A. Special Reports from Manager & Staff
9. FINANCIAL STATEMENT
10. RECOMMENDATIONS ON CONTRACTS & BIDS

If Council does desire to move the current "Items Not on Published Agenda" to another location in the meeting, it could be moved to any part of the agenda without affecting advertising requirements.

The benefits of restructuring the meeting agenda include:

- Moving items that have a public hearing earlier in the agenda, making them more accessible to the public.
- The ability to recess the meeting if the meeting length exceeds that seen as productive by Council without incurring the additional expenses and staff time to re-advertise items separately from the agenda advertisement.

The drawbacks to restructuring the meeting agenda include:

- Additional compensatory time or overtime accumulated by staff by pushing departmental reports, financial statements, and contract/bid recommendations to later in the agenda. There is also the issue that if a meeting is recessed until a later date, staff members would accumulate compensatory time or overtime for both the original meeting date and the date the recessed meeting resumes.

Streamlining the Meeting Process

Other possibilities for streamlining the meeting process include the following:

- Opening all items on the agenda to public comment. This would take some of the burden off of the open public comment time period while allowing for public comments on a particular item to be made while that agenda item is being considered by Council.
- Holding concurrent public hearings for related agenda items. Similar to what is done traditionally by Council now in considering multiple parts of a development project in one discussion and public hearing (comprehensive plan amendment, rezoning, major/minor subdivision, special use permits, etc.), Council could elect to do the same for other related items. For example, the budget public hearing could run concurrently with the related ordinances and could reference the related items on the agenda in a similar fashion to what we see with development projects now.

- Setting a time limit on public comment during public hearings. Currently, the Rules of Procedure designate a three minute time limit only during open public comment. While the three minute time limit is followed informally during public comment during public hearings, it could be made official through the Rules of Procedure.
- Moving the location of Council comments on the agenda. Many of the cities and towns who have open public comment at the end of the meeting also have Council comments at the end of the meeting.
- Limiting the number of agenda items for a meeting. Council could set a limit on the number of items they are willing to consider at a single meeting for particular sections of the agenda.
- Submitting questions or issues with agenda items to staff prior to the Council meeting. Oftentimes as Council members review materials prior to a meeting, they may find they have questions regarding a particular topic or item distributed. If said questions are submitted to staff prior to the Council meeting, it gives staff members the ability to prepare answers to questions in advance that may have not been foreseen. This creates the opportunity for staff to be better able to respond and reduce the need to postpone agenda items to subsequent meetings.
- Council workshops. Council could elect to hold workshops on agenda items on a date prior to the business meeting in which they are to be considered. This would give Council the ability to ask questions about a bill, resolution, or staff report topic in advance to the second reading and public hearing and would give staff the opportunity to research any outstanding questions in order to make the second reading and public hearing a more streamlined process. This is done in other local governments often through a committee process, including New Castle County, Wilmington, and Kent County.

If you have any questions regarding any of the items in the above memo, please let me know. I hope this serves as a good starting point for discussion at the January 13th Council meeting as I am certain that members of Council also have ideas about what can be done. I look forward to receiving direction regarding what Council would like to see included in the Rules of Procedure at a future meeting.

/rkb

**CITY OF NEWARK
DELAWARE**

January 8, 2014

TO: Mayor and Council

FROM: Renee Bensley, City Secretary

CC: Carol Houck, City Manager

SUBJECT: Cancellation of Council Meeting For the April 8, 2014 Municipal Election

As members of Council know, the election for the City of Newark for 2014 is scheduled for Tuesday, April 8th. While typically the first meeting in April has been cancelled due to the election, the first meeting in April this year is scheduled for Monday, April 14th, after the election, but before any new Council members legally can be sworn in and permitted to participate as a full member of the elected body. The meeting immediately preceding the election would be Monday, March 24th.

As we know with certainty that there will be an election with at least one new Council member due to Councilman Tuttle's announced retirement and the strong likelihood that additional seats will be challenged based on the number of nominating petitions that have been requested, this leaves Council with the decision as to how to proceed in regards to the meetings surrounding the election. Part of the reason for cancelling the meeting prior to the election is due to the fact that the City Secretary's office is responsible for both the execution of the election and the preparation of the materials for the Council meeting. With 3.5 staff members in the office, cancelling the Council meeting prior to the election allows for the additional work created by the election to be offset by the decrease in work from not having to prepare for that Council meeting.

With that being said, it is also understood that the Council most likely desires that whoever is elected on April 8th be a full participant in Council meetings after his or her election. However, due to state law, the earliest a new Council member could be sworn in would be seven days after the certification of the election. Barring a recount, certification would take place the night of the election, April 8th. This means that the organizational meeting in which the new Council member would be sworn in would be Tuesday, April 15th. It is also understood that it is most likely not desirable to Council to cancel two consecutive meetings.

Recognizing these issues, I would request Council consider the following recommendations:

1. Consider putting forth an amendment to the Rules of Procedure to allow Council the discretion to move a meeting of Council from Monday to Tuesday in the event that a meeting falls after the election of a new member of Council, but before the newly elected Council member(s) is (are) eligible to be sworn in to office.
2. If the Rules of Procedure are amended to permit the discretion to move the meeting, move the regularly scheduled Council meeting of Monday, April 14th to Tuesday, April 15th immediately following the organizational meeting scheduled for that same evening.
3. Cancel the regularly scheduled Council meeting of Monday, March 24, 2014.

While Council does not have to make the final decision on cancelling or moving Council meetings until closer to the election, this issue is being raised now as part of the larger conversation on potential Rules of Procedure amendments that is scheduled to take place at the January 13th Council meeting. If it is the desire of Council to amend its Rules of Procedure in other ways, it is logical to incorporate the amendments proposed here at the same time if it is the will of Council to do so.

Please let me know if you have any questions.

/rkb